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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,888	09/19/2005	Robert Lance Cook	2725-12503	2346
78/091	7590	11/27/2009		
Conley Rose, P.C. P.O. Box 3267 Houston, TX 77253-3267				
EXAMINER				
KOEHLER, CHRISTOPHER M				
ART UNIT		PAPER NUMBER		
3726				
MAIL DATE		DELIVERY MODE		
11/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,888

Applicant(s)

COOK, ROBERT LANCE

Examiner

Christopher M. Koehler

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 4, 7-12, 16-25, 29, 32, 36-40, 42-44 and 46-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 11-15, 26-28, 30, 31, 33-35, 41 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-646)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/21/07, 1/24/06, 7/14/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species A in the reply filed on 9/10/2009 is acknowledged.

Information Disclosure Statement

2. The examiner notes the extensive listing of "relevant" art that applicant has cited in the instant application. While the examiner has performed a cursory review of those references contained in the IDS, applicant is advised that if he deems any of these references to be particularly relevant to the pending claims that he direct the examiner to these references specifically for closer review.

Specification

3. The disclosure contains a reference to and incorporation by reference of more than 40 provisional, non-provisional and international patent applications. While the examiner acknowledges applicant's intent to incorporate these applications into the specification of the instant application, applicant is advised that if he deems any of these applications to be particularly relevant to the instant application, or should the applicant claim that which is contained in one of these applications, that he should direct the examiner to these applications specifically for closer review.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 26, 27, 28, 30 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 26 recites the limitation "the first pipe" in line 5. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 45 recites the limitation "the first pipe" in 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 13 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Cartry et al. (US Patent No. 4,819,315).

Claims 1, 13 and 26:

Cartry teaches a method of manufacturing an insulated pipeline comprising: positioning a first pipe (1) having a plurality of spaced apart resilient sleeves (2) coupled to the exterior surface of the first pipe within a second pipe (3); and radially expanding and plastically deforming the first pipe until the resilient sleeves engage the interior surface of the second pipe (figure 2; col. 4, lines 21-25).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 3, 5, 27, 28, 30, 31, 33, 34 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cartry in view of Ruggles et al. (US Patent No. 5,472,243).

Claims 2, 3, 5, 27, 28, 30, 33, 34 and 45:

Cartry teaches a method of manufacturing an insulated pipeline comprising: positioning a first pipe (1) having a plurality of spaced apart resilient sleeves (2) coupled to the exterior surface of the first pipe within a second pipe (3); and radially expanding and plastically deforming the first pipe until the resilient sleeves engage the interior surface of the second pipe (figure 2; col. 4, lines 21-25). Cartry does not explicitly teach injecting an insulating material into an annulus defined between the first and second pipes before radially expanding and plastically deforming the first pipe whereupon the injected insulating material forms thermal insulating sleeves interleaved between the resilient sleeves.

Ruggles teaches injecting an insulating material (51) into an annulus defined between the first and second pipes (figure 6) before radially expanding and plastically deforming the first pipe (figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to have applied the injected insulating sealant of Ruggles to the outer surface of the inner pipe of Cartry in order to provide an improved

joint construction between the two pipes. It should be noted that as the injected insulating material is applied to the annulus between the inner and outer pipes that it will, upon expansion, form thermal insulating sleeves interleaved between the resilient sleeves in the same manner as it fills the gaps between the flutes of Ruggles.

12. Claims 6 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cartry in view of Ruggles as applied to the claims above, and further in view of Kaplowitz et al. (US Patent No. 2,850,796).

Claims 6 and 35:

Cartry/Ruggles teaches the structure above but does not explicitly teach that the expansion and joining can take place underwater. Kaplowitz teaches a method for expanding inner tubes within outer tubes wherein the expansion technique uses a mandrel and pressure system that can be use with equal facility through straight lines of pipe members or through lines having curves, bends, in close quarters, underwater, in hazardous conditions, and so forth (col. 3, line 74-col. 4, line 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the expansion method of Kaplowitz to the expansion teachings of Cartry/Ruggles in order to provide a method for joining expanded tubulars in situ, or in difficult to access areas such as underwater or in close quarters.

13. Claims 14, 15 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cartry in view of Kaplowitz.

Claims 14, 15 and 41:

Cartry teaches the structure above but does not explicitly teach that the expansion and joining can take place underwater. Kaplowitz teaches a method for expanding inner tubes within outer tubes wherein the expansion technique uses a mandrel and pressure system that can be use with equal facility through straight lines of pipe members or through lines having curves, bends, in close quarters, underwater, in hazardous conditions, and so forth (col. 3, line 74-col. 4, line 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the expansion method of Kaplowitz to the expansion teachings of Cartry in order to provide a method for joining expanded tubulars in situ, or in difficult to access areas such as underwater or in close quarters.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571)272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. M. K./
Examiner, Art Unit 3726

/DAVID P. BRYANT/
Supervisory Patent Examiner, Art Unit 3726